



UNITED STATES
PATENT AND
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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IP PATENTS
FAEGRE & BENSON LLP
1900 FIFTEENTH STREET
BOULDER CO 80302

FOR PATENT OWNER

JOHN DODDS
DODDS 7 ASSOCIATES
1707 N STREET, NW
WASHINGTON, D.C. 20036

FOR THIRD PARTY

In re Proctor
Reexamination Proceeding
Control No.: 90/005,892
Filed: December 20, 2000
For: U.S. Patent No. 5,894,079

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: DECISION ON
: IDS ACCEPTANCE

In re Reissue Application of Proctor
Serial No.: 09/993,303
Filed: January 31, 2001
For: U. S. Patent No. 5,894,079

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As noted in the decision of June 13, 2001, merging the above identified reexamination proceeding and reissue application, rules for entry of papers in the files will follow established reissue rules. The decision also stated that copies of any papers to be filed in the files must consist of duplicate originals, each bearing a signature.

On November 26, 2002, third party requester in the reexamination proceeding filed an information disclosure statement (IDS) directed to the reexamination file consisting of a literature reference, two order forms and four catalogs. In a normal reexamination proceeding these materials would be returned as an improper submission. However, since reissue rules apply the submission is acceptable when considered under the concept of a protest against issuance of the reissue application. It is noted that only one copy of the materials has been submitted. The Office will prepare a second copy for the reissue file. It is further noted that the address to which the copy for patent owner in the reexamination proceeding was mailed is incorrect. As a courtesy, the Office will prepare a second copy of the materials for forwarding to patent owner with this letter.

Patent owner remains under obligation to reply to the Office action mailed September 25, 2002, within the time period set therein or as may be extended under 37 CFR 1.136(a)

John Doll

Director, Technology Center 1600